

Summary Comments Received During Comment Period 2/2003

Supportive

- "Clean Utah" sounds like a great program! Good luck with it. **Ellen L Eckels – Riverton**
 - We look forward to being eligible and participating. **Gary O. Merrill - General Manager, Murray City Power**
 - It's great to see a proactive program attempting to reward organizations attempting to go beyond regulatory compliance. **Dean R. Lillquist - Associate Professor, Rocky Mountain Center for Occupational, and Environmental Health - University of Utah**
 - (We) fully support the concept and policy as written. (It) provides encouragement to take additional step by providing recognition and incentives, and the Core Project Areas and Suggested Project Areas will result in real environmental gains. The DEQ resources needed to administer this program will have a much larger "bang for the buck" than is gained by permit writers and compliance inspectors. **Douglas Jones - Environmental Manager - Nucor Bar Mill Group - Plymouth**
 - (We) are impressed with the final product. We hope implementation of the project will be successful and meet the aspirations of the stakeholders. **Emily Hall – Chair, Wasatch Clean Air Committee**
 - (We) are intrigued by such an endeavor. Although corporate resources to support such a program would have to be carefully reviewed in light of overall cost benefit given the current, difficult economic environment we would certainly be willing to make every practical effort to improve our environmental performance for the good of the community and our workforce. **Rory D. Payne - DataChem Laboratories, Inc.**
- I applaud the effort to implement the Clean Utah! Proposal. It does represent a pro-active stance by UDEQ to encourage aggressive environmental compliance without increased regulations. **Grantley Martelly - Environmental Compliance Administrator, UTA**
- I like the concept of the program, primarily from the standpoint that it encourages partnering between the regulatory agency and industry participants toward a common goal. **Tom Turner – Tooele Army Depot**
 - USU fully intends to apply for acceptance to the Tier One level. (We) are extremely excited about the "Clean Utah" program and feels that it will be a big boost to reducing the environmental impacts from Utah companies in general and USU specifically. We are very interested in playing a part in this and are willing to help in anyway that we can. **Eric Jorgensen - USU**
 - I see the program as having a positive impact in both the regulating and the regulated

communities, especially on attitudes toward environmental compliance. It is definitely something that I would promote at our facility here in Woods Cross. **Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery**

- We look forward to its initiation and becoming a participant. **John R. Njord, P.E. – Executive Director, Utah Department of Transportation**

- The Clean Utah! Program seems like a very formidable program that can offer many potential benefits. **Mark Christensen - Environmental Technologist, Maverik Country Stores, Inc**

- We believe that the concept is a good one. **Ken Alkema, Envirocare**

-We are interested and would like to receive information when you are ready to start accepting applications. **Jim Douglas - St. George Power**

Maybe Interested - Resource Issue

- (We) are interested in the CleanUtah ! Program however, we are concerned about the time it may take to manage this program with all of the compliance standards that we currently have to meet. **Bruce Leonard, Brigham City Public Works Director**

Not Interested

- (We have) not historically been a large emissions producer. . .at this time we would not like to participate in the voluntary program. **Rick Stowe – Primary Children’s Medical Center**

Increases Workload

- It will significantly increase DEQ review and oversight and my workload. I support a clean environment, however, many of the current environmental regulations are petty and over-burdensome. Your program would work if it were not a veiled increase in DEQ requirements and oversight. **Ted E. Witte - Administration Manager - Compeq International**

- Industry bears tremendous economic pressure to comply with ever-increasingly stringent environmental laws and permits along with supporting increasing fee structures of governmental agencies. The CleanUtah! program will consume UDAQ resources at a time when UDAQ has been forced to implement supplementary New Source Review fees (up to \$5,000) which are in addition to existing review fees. **Tony Panchyshyn - Senior Environmental Engineer, Graymont Western US Inc.**

- (T)his type of program is a waste of Tax Payer money. At a time when the State is looking at a tax deficit, programs like this should not be considered. In the beginning programs like this look good on paper, while in the long run they end up placing more regulations on over regulated business, and un-needed regulations on currently un-regulated businesses. **Michael L Kesler, Indian Oil**

- I believe that it is important to recognize stakeholders that comply with existing regulations without having to perform additional work. ***Dave Plummer - Environmental Associate, TravelCenters of America - Westlake, Ohio***

Incentives Not Clear

- The lack of clearly established incentives does not make me interested in pursuing this program. If my company were to derive some benefit beyond what the law requires of me now, I would have an interest in the program. ***Ted E. Witte - Administration Manager - Compeq International***

- The proposal does not provide enough incentive to participate vs. the expenditure of effort it will require to comply with the applications, reports, and review panel processes. ***Tony Panchyshyn - Senior Environmental Engineer, Graymont Western US Inc.***

- (I)ncentives receive comparatively brief mention and are not even very clear (e.g. What do facility permit enhancements and facility-specific incentives mean?). Recognition would be nice, but if I really understood the advantages of EMS, I would choose implement them on my own and communicate them to my customers without the need for "rewards" from DEQ. ***Rolf Lange - Millennium Science and Engineering***

EMS

- An EMS may be a good idea for some but impractical and/or unnecessary for others. A company-wide EMS may be adequate for the purposes of the company and other regulatory entities, but may not meet Utah's particular requirements. It would not be useful or beneficial to tailor an EMS to each state's individual requirements. ***Dave Plummer - Environmental Associate, TravelCenters of America - Westlake, Ohio***

Comments/Suggestions on Specific Provisions

Incentives

- Incentives for participating in each Tier of the program should be clearly and specifically identified up-front in the proposal. Specific incentives will go a long way in gaining support from management officials for funding and completing pollution reduction projects. ***Tom Turner - Tooele Army Depot***

- There are no specifically listed incentives with the Tier Two and Three levels. What will these be? ***Eric Jorgensen - USU***

- The "incentives," as listed, are sufficiently nebulous as to be inconsequential as a motivation for subscribing to the process. The real incentive is to take advantage of a format for demonstration and recognition of having a proactive approach to environmental responsibility. ***Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery***

- A relaxation of enforcement policies and fine policies would be a significant incentive for military installations whose leaders are rated on the numbers of Notices of Violations received. The definition of minor violation would be left to the regulatory agency, however, a suggestion would be that they be defined as administrative or operational issues that cause no physical harm to the environment, or pose no immediate health risk. (M)oney saved would be justified toward expenditure on pollution reduction projects. **Tom Turner - Tooele Army Depot**

- (C)redit money spent on pollution reduction projects towards a percentage of offset of State personnel review fees. (T)he monetary incentive would help gain support for the pollution reduction projects. **Tom Turner - Tooele Army Depot**

EMS

- Having been trained in ISO 14000 Implementation procedures, it became very apparent that in order to fully implement the full EMS system, there was a large investment in time, personnel and infrastructure to become fully prepared for the actual audit and certification. Funds for most businesses right now are getting tighter. (I)t is possible for a facility to be aggressively in compliance and not have a fully implemented EMS. **Grantley Martelly - Environmental Compliance Administrator, UTA**

- The help of the DEQ to formalize EMS systems will be appreciated, especially by companies like ours that have active environmental management procedures, but may not have yet structured them into a formal "EMS." **Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery**

Eligibility

- Unfortunately, some of the specifics of your program, probably necessarily so, may exclude us from being included. We expect to submit an application understanding that we may not be accepted. Regardless, we believe that many other companies will apply and be accepted, and that end result will have the desired effects. **Douglas Jones - Environmental Manager - Nucor Bar Mill Group - Plymouth**

- Under the "Eligibility" section you state "continuing pattern of noncompliance". Here at USU with 20,000+ people running around we have had and will always have reoccurring issues. ..due to the turn over rate of >4,000 per year. Would this exclude us from participating or advancing in this program? This is one of those areas that we were hoping to get outside assistance through this program. **Eric Jorgensen – USU**

- We do recommend that the compliance requirements should be modified to allow all facilities to participate based on not being a significant non-complier. Using other definitions for other programs does not provide a level playing field for all of the companies that would choose to participate. I would believe that you would want companies that are struggling with the requirements to want to be part of the program. To be part of the program they would need to develop an EMS program that would help them with their compliance. **Ken Alkema, Envirocare**

Enforcement Action

- Can the periodic inspections listed lead to enforcement action? Or would they be considered under the self-disclosure rule and leave the institution open to 100% penalty waiver? ***Eric Jorgensen - USU***

Projects

- A Cap-Stone project is, by definition, the last project in a given endeavor. This would defeat the purpose of an Environmental Management System (EMS) dedicated to continual evaluation and improvement. The term could be better couched as a "Major" environmental project, or other term that specifies it as a fundamental change to a cleaner way of doing business. ***Eric Jorgensen - USU***

- Those companies that have done a lot already are at a disadvantage. The low-hanging fruit is gone, and finding more to pick is difficult. The companies that will find it easiest to join the program are the ones that have done the least in the past. From a compliance standpoint, that is probably a good thing, but it means that the program is more like an award to the "Most Improved" as opposed to the "Best." ***Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery***

- The requirements for ongoing, approved environmental projects may create a significant problem for highly-regulated industries like ours. The core project areas are covered by strict regulation, and the opportunities to "significantly reduce or prevent pollution" beyond those regulations are typically very expensive. (R)equirements for projects to go beyond regulation and yet result in significant reductions are, in many cases, mutually exclusive. Further significant reductions may be possible but would probably run into the tens of millions of dollars in cost. We could probably come up with projects that are "beneficial", but in comparison with total emissions, they may not be deemed "significant" by the DEQ. ***Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery***

- (T)he program requires that as soon as one project is completed, another must be submitted for approval in order to stay in the program. It isn't clear if those in the program must always have two active projects, one from each of the project areas. ***Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery***

- We suggest the policy clearly state at which tier level the CleanUtah! sign may be proudly displayed by participants. ***John R. Njord, P.E. - Executive Director, Utah Department of Transportation***

Multi-Interest Review Panel/Project Review

- The Division of Water Resources would like to assist in reviewing water-related project proposals, particularly those related to water conservation and water efficiency.

D. Larry Anderson, PE – Director, Utah Division of Water Resources

- I noticed you identified an academic representative on the Multi-Interest Review Panel. I would be happy to place my name for consideration. ***Dean R. Lillquist - Associate Professor, Rocky Mountain Center for Occupational, and Environmental Health - University of Utah***

- I would like to volunteer USU in general and myself in particular to fill this (academia) position. Though my background is weighted heavily to hazardous waste I have been working on the development of an EMS for USU for the past three years. ***Eric Jorgensen - USU***

Miscellaneous

Balance

- I suppose that as sticks and carrots go, this proposal is the carrot. Your agency must also use the stick. I think your best results will come with a balanced approach of both. ***Paul Campbell***

Make It Required

- Voluntary things are nice until resource squeezes make it uncomfortable, then they get dropped with little success of resurrection. (I)sn't there a way to make the program more of a requirement? (We) will try to support this initiative the best we can, but with no teeth behind it for conforming, the devoted resources will not be consistent to match the intent of the program.

Micheal Lemmert – VA Medical Center

Tone Down the Policy Statement

- The concept is a good one, but if I were a business owner, I would be hesitant to buy into the program, simply because of the tone of the policy statement. It seems to reflect a heavy-handed regulatory approach to something that: (1) is voluntary to begin with; and (2) perhaps better viewed as a partnership for the common good. Participation in the program could be better encouraged with a more thoughtful approach to communicating those benefits to business and industry. ***Rolf Lange - Millennium Science and Engineering***